

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA	)	Criminal No. 2015/39
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
DELROY THOMAS,	)	
	)	
Defendant.	)	

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**NOTICE OF SUBMISSION OF  
JOINT PROPOSED NEUTRAL STATEMENT OF FACTS  
and JOINT PROPOSED *VOIR DIRE* QUESTIONS**

COMES NOW the United States of America, through its undersigned counsel, and hereby submits the parties' Joint Proposed Neutral Statement of Facts and Joint Proposed *Voir Dire* Questions. The undersigned represents that he has consulted with counsel for the defendant who has concurred with the contents of this notice.

**STATEMENT OF FACTS**

The defendant is charged with Use of Interstate Commerce Facility in the Commission of Murder for Hire, Attempted Murder, Attempted Retaliation Against a Witness and Possession of Prison Contraband. The charges are based on allegations that, between March 9, 2015 and March 12, 2015, the defendant, while an inmate in Golden Grove Correctional Facility, used cellular telephone to arrange the murder of two witnesses against him. During a search of his cell room on March 12, 2015, officers discovered and seized a knife. The defendant denies the charges.

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### PROPOSED VOIR DIRE QUESTIONS

The Government has no proposed *voir dire* questions at this time. Defendant submits the following proposed *voir dire* questions.

1. You realize that the defendant is not bound to explain his side of the case since the burden of proof does in fact rest with the prosecutor. So then would you consider the defendant's failure to testify as an indication of his guilt?
2. Now if you came to the conclusion that the prosecution had not proven the guilt of the defendant beyond a reasonable doubt and you found that a majority of the jurors believed the defendant was guilty, would you change your verdict only because you were in the minority?
3. You understand of course that an impartial trial by an unbiased jury is a constitutional guarantee no matter what the charges are against the defendant?
4. If from your experiences you believe or have the feeling that certain facts exist but these facts have not been proven by satisfactory evidence would you discard your beliefs or feeling and decide this case only on the evidence or lack of evidence?
5. Is there anything else about this case, which we have not discussed, which bothers you? Please state what it is.
6. Is there anything about the allegations or accusations in this case that will affect your ability to afford the defendant a fair trial?
7. In deciding whether or not you are going to believe a witness would you consider the witness' conduct on the stand his/her opportunity and ability to observe his/her bias or prejudice, and the probability or improbability of his/her story?

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The Government believes that all of these questions are covered by the Court's  
general *voir dire*.

DATED: June 5, 2019

GRETCHEN C. F. SHAPPERT  
United States Attorney

/s/ Alphonso G. Andrews, Jr.  
BY: Alphonso G. Andrews, Jr.  
Assistant U.S. Attorney

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 50<sup>th</sup> day of June 2019 I electronically filed the foregoing Notice of Joint Facts/Voir Dire with the Clerk of the Court using the CM/ECF System, which will send a notification of such filing (NEF) to the defense counsel on record, that is Martial Webster, [attywebster@hotmail.com](mailto:attywebster@hotmail.com).

/s/ Alphonso G. Andrews

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